



FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION FORM

RETURN TO:

Office of Management Authority
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Room 700
Arlington, VA 22203
1-800-358-2104 or 703-358-2104

Type of Activity:

**EXPORT OF PRE-CONVENTION, PRE-ACT, OR
ANTIQUÉ PRODUCTS**

A. COMPLETE IF APPLYING AS AN INDIVIDUAL

1. Name:			
2. Street address:			3. County:
4. City, State, Zip code:			
5. Date of birth:	6. Social Security No.:	7. Occupation:	
8. List any business, agency, organizational, or institutional affiliation associated with the wildlife to be covered by this license or permit:			
9. Home telephone number:	10. Work telephone number:	11. Fax number:	12. E:mail address:

B. COMPLETE IF APPLYING AS A BUSINESS, CORPORATION, PUBLIC AGENCY OR INSTITUTION

1. Name of business, agency or institution:			2. Tax identification no.:
3. Street address:			4. County:
5. City, State, Zip code:			
6. Describe the type of business, agency, or institution:			
7. Name and title of person responsible for permit (president, principal officer, director, etc.):			
8. Home telephone number:	9. Work telephone number:	10. Fax number:	11. E:mail address:

C. ALL APPLICANTS COMPLETE

1. Do you currently have or have you had any Federal Fish and Wildlife License or Permit? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, list license or permit numbers:	
2. Have you obtained any required state or foreign government approval to conduct the activity you propose? Yes <input type="checkbox"/> No <input type="checkbox"/> Not required <input type="checkbox"/> If yes, provide a copy of the license or permit.	
3. Enclose check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$25. Institutions which qualify under 50 CFR 13.11(d)(3) may be exempt from fees.	
4. ATTACHMENTS: Complete the additional pages of this application. Application will not be considered complete without these pages. Incomplete applications may be returned.	
5. CERTIFICATION: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a license or permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.	
6. Signature (in ink) of applicant or person responsible for permit in Block A or B	7. Date:

D. EXPORT OF PRE-CONVENTION SPECIMENS (INCLUDING PRE-ACT OR ANTIQUES)

1. Provide the following for EACH specimen or item to be exported (you may want to use the suggested format if the shipment contains a large number of specimens or items):

<i>Scientific name</i> (genus and species)	<i>Common name</i>	<i>Country*</i> <i>of origin</i>	<i>Source**</i> (W/C/A)	<i>Birth</i> <i>date/</i> <i>age</i>	<i>Sex</i> <i>if</i> <i>live</i>	<i>Description (serial #, size (use</i> <i>metric units); for live specimens,</i> <i>ISIS #, breeder's record, etc.)</i>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

* Country where the specimen or animal/plant used to make the item originated, if known.

** Indicate whether taken from the wild (W), bred in captivity (C), or artificially propagated (A), if known.

2. Name and address of recipient in foreign country.

Name: _____

Address: _____

Foreign City/Country: _____

3. Provide documents, signed statement or other evidence that the specimen or item was obtained prior to the date **CITES** applied to it (i.e., published description from a catalog or art book, statement from a qualified appraiser attesting to the age, U.S. customs import declaration, bill of sale, breeder's/propagator's record, etc. if the age of the specimen or item is clearly documented). The listing date can be found in the booklet "Appendices I, II, and III to CITES" available from OMA.
4. If also protected under the **U.S. Endangered Species Act**, provide **ONE** of the following:
- If the item is an **antique** (over 100 years old), documentation which shows the age or a statement from a qualified appraiser attesting to the age.
 - For **pre-Act**: (i) evidence that the specimen or item was obtained prior to the date the ESA applied to it (50 CFR 17.4, copy enclosed) and (ii) a signed statement that the specimen or item has not entered into commerce (e.g., been bought or sold) since that date, and is being shipped for personal use and will not be entered into commerce. The listing date can be found in the booklet "Endangered and Threatened Wildlife" available from OMA.
 - If the item contains worked **African elephant ivory**, provide documentation to show that the item was manufactured prior to February 4, 1977.
5. If also protected under the **Marine Mammal Protection Act**, provide a copy of the affidavit and supporting documentation outlined in 50 CFR 18.14 (copy enclosed). The pre-Act date is December 21, 1972.
6. **For all items**, provide a signed statement that the item has not been repaired or modified with any new parts of any species listed under the ESA, MMPA and/or CITES since the date the species was listed.
7. For **living wildlife and plants**, describe: (a) the type, size and construction of any shipping container and (b) arrangements for watering or otherwise caring for the specimens during transport.
8. List the **U.S. port** through which the export will occur. If no port is indicated, export must be through a designated port for wildlife or plants (see enclosed list).

What You Need to Know...About CITES Permits and Certificates

What Is CITES and How Does It Apply to Me? The Convention on International Trade in Endangered Species (CITES) protects many species of animals and plants to ensure that commercial demand does not threaten their survival in the wild. It regulates trade in listed species and hybrids, including parts and products, through a system of permits. The Office of Management Authority administers CITES in the United States and processes applications for permits. Under CITES, a species is listed at one of three levels of protection, which have different permit requirements.

Appendix I -- Appendix I includes species presently threatened with extinction that are or may be affected by trade. CITES directs its most stringent controls at activities involving these species. A shipment requires two permits -- one from the importing country (obtained first) and another from the exporting country. Import permits may be granted when the purpose of the import will not be detrimental to the species' survival, is not primarily commercial, and the importer is suitably equipped to house and care for live animals and plants. Export permits may be granted when the export will not be detrimental to the species' survival and specimens were legally acquired. Import permits are valid for 1 year, export permits for 6 months.

Appendix II -- Appendix II species are not presently threatened with extinction but may become so if not regulated. CITES does not require import permits, but each shipment must be accompanied by a permit issued by the exporting country's Management Authority. Export permits may be issued for any purpose as long as the export will not be detrimental to the species' survival and the specimens were legally acquired. Export permits are valid for 6 months.

Appendix III -- Appendix III includes species listed by a range country to obtain international cooperation in controlling trade. An export permit is needed to ship specimens originating in a country that listed the species. A certificate of origin would need to be issued by a country other than the listing country when the specimen originated in that country.

Re-export -- Re-export certificates are required for the export of specimens that were previously imported, including items subsequently converted to manufactured goods. Certificates may be issued when evidence of legal import has been provided. If you were the original importer of the wildlife or plant, you need to provide a copy of the canceled CITES permit that accompanied the shipment into the United States and, for animal specimens, the cleared Declaration for Importation (Form 3-177) for that shipment. If you were not the importer, you must provide copies of the importer's documents, as well as documents (e.g., invoices) that show you purchased the wildlife or plant from the original importer, or a record of multiple transactions.

Introduction from the Sea -- An introduction from the sea permit is required for the import of Appendix I or II specimens taken in the marine environment but not under the jurisdiction of any country or state.

Certificates of Exemption

Pre-Convention Certificate: If a specimen was obtained prior to the CITES listing date of that species -- collected from the wild or held in captivity -- it may be granted a pre-Convention certificate. For Appendix I specimens, no CITES import permit is required.

Bred-in-Captivity Certificate or Certificate for Artificially Propagated Plants: If a species meets the criteria for bred-in-captivity or artificially propagated as outlined in CITES resolutions, the exporting country may issue an exemption certificate (bred-in-captivity fact sheet available on request).

Scientific Exchange Certificate: Scientific institutions are eligible for this certificate, which authorizes import and export of museum and herbarium specimens. Such specimens must be shipped as non-commercial loans, donations, or exchanges among scientific institutions registered with CITES.

What About Shipping Live Animals and Plants? Permits for the shipment of CITES-listed live animals or plants may be issued only when the applicant demonstrates that the specimen will be humanely shipped. Live animal shipments must meet the International Air Transport Association (IATA) Live Animals Regulations or the CITES guidelines for transport. In addition, the import of live mammals and birds must meet the humane shipment regulations in 50 CFR Part 14.

Exceptions to Permit Requirements

In-transit Shipments: Under CITES, a shipment transiting a country must be accompanied by a CITES permit from the exporting country to its final destination. The shipment must remain under Customs bond. Check with other

countries involved in the shipment to meet their requirements.

United States: CITES imposes no controls on shipments between States or U.S. territories, including the District of Columbia, Guam, Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, U.S. Virgin Islands, and American Samoa.

Personal or Household Effects: The United States recognizes an exemption found in the CITES treaty that allows for certain personal or household effects to be exported and imported without CITES permits. Wildlife and plants, or their parts and products, that are part of a household move or are accompanying the owner and intended for personal use may be:

- * exported from the United States without CITES permits (check with the Management Authority in the country of import since many countries require an export permit, especially for Appendix I or live specimens) and
- * imported without CITES permits, provided the foreign country does not require a CITES permit. Appendix I species acquired abroad may not be imported into the United States without CITES permits.

Foreign Documentation -- If you are importing protected wildlife or plants, or their parts and products, from a country that is not a Party to CITES, you must obtain documents that contain all the information normally required by CITES. Contact the Office of Management Authority for documentation requirements and the address of the authority to contact in a non-CITES country.

How Do I Apply for a CITES Permit or Certificate? Complete a standard application form (3-200) and submit it with a \$25 processing fee to the Office of Management Authority. Allow at least 60 days for review. Also contact your State wildlife or plant conservation agency and the CITES Management Authority of the foreign importing or exporting country to determine any additional requirements. Some CITES-listed species are also protected by other U.S. laws with more stringent permit requirements, i.e., Endangered Species Act, Marine Mammal Protection Act, and Wild Bird Conservation Act. Contact the Office of Management Authority for additional information.



For Further Information Contact: Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203, phone 703-358-2104 or 1-800-358-2104, fax 703-358-2281; internet <http://www.fws.gov/~9dia/index.html> (6/98)

What You Need to Know . . . About African Elephant Ivory

Why and How Are African Elephants Protected? Poaching for ivory is the most immediate threat to the future of the African elephant (*Loxodonta africana*). The species is listed as threatened under the U.S. Endangered Species Act (ESA) with a special rule that allows for certain activities that are normally prohibited. The African elephant is also protected by the Convention on International Trade in Endangered Species (CITES). Most populations are listed in Appendix I and their products may not be traded for primarily commercial purposes. Populations of elephants in Botswana, Namibia and Zimbabwe are included in Appendix II to allow for limited trade in specific products only. However, ivory may **not** be imported to the United States from these countries or any other country under the African Elephant Conservation Act, a U.S. law that bans the import and export of ivory with few exceptions. These provisions are intended to eliminate any trade in illegal ivory.

What Kind of African Elephant Ivory or Ivory Products Are Affected by These Laws? Raw and worked ivory, i.e., tusks, pieces of a tusk, ivory carving, or pieces like piano keys, jewelry, or bagpipe fittings.

What Do I Need to Know to Decide What I Can Do With Ivory Items? Decide:

- * what kind of ivory it is -- if you do not know, see below.
- * whether the ivory is worked (carved) or raw. *Raw ivory* means a tusk, or piece of tusk, which is unpolished or polished, unaltered or minimally carved, including ivory mounted on a stand or part of a trophy.
- * age of the ivory -- when the item was manufactured or the elephant was removed from the wild.
- * whether the item has been repaired or modified with any new ivory and if so, when.

What can I do if I do Not Know the Age or Kind of Ivory? Contact a specialist, such as an art historian, appraiser, or museum curator. If you know who manufactured the item, contact the manufacturer for information. If documentation of the kind of ivory or age is based on an expert's opinion, obtain an affidavit and include the expert's credentials.

Can I Sell, Import, or Export Antique Ivory? Yes, the item can be sold if it is a *bona fide* antique and if the sale of ivory is allowed in your State of residence. Check with your State conservation agency. An ivory article, can be imported or exported for commercial or non-commercial purposes if a *bona fide* antique and accompanied by:

- * documentation that shows the article is at least 100 years old and has not been repaired or modified with any new ivory since the effective date of the ESA (December 28, 1973), and
- * a CITES Pre-Convention Certificate from the Management Authority of the exporting country.

Can My Shipment of Ivory Transit the United States? Yes, as long as African elephant parts and products remain under Customs control and are accompanied with proper CITES documents (i.e., Pre-Convention Certificate).

Can I Buy or Sell African Elephant Ivory in the United States? Yes, not just antiques but any legally possessed ivory may be bought or sold in the United States. Before you buy or sell ivory, check with your State conservation agency to determine requirements.

What African Elephant Ivory, Other than Antiques, Can I Export from the United States?

- * Raw African elephant ivory cannot be export or re-exported.
- * Worked ivory acquired (i.e., taken from the wild) *before* February 4, 1977, can be exported for commercial or non-commercial purposes with a Pre-Convention Certificate from this office. Contact the CITES Management Authority of the importing country as some countries require an import permit.
- * Worked ivory acquired *after* February 4, 1977, can be exported only for non-commercial purposes, and only with a CITES export permit from this office as well as a CITES import permit from the foreign country's Management Authority.
- * Worked ivory acquired or possessed in the United States can be exported by U.S. residents as accompanying personal effects. However, most CITES countries do not recognize this special exemption. To prevent any possibility of your items being seized, you should contact the Management Authority of the country you will be visiting to determine its

requirements.

What African Elephant Ivory Can I Import into the United States?

- * Raw ivory cannot be imported into the United States except as a personal *sport-hunted trophy* with appropriate CITES permits. The ivory of sport-hunted trophies cannot be re-exported or sold within the United States as conditioned under a CITES import permit. Contact this office for a fact sheet on African elephant sport-hunted trophies.
- * Worked ivory can be imported for non-commercial purposes if accompanied by a CITES *Pre-Convention* Certificate issued by the Management Authority of the exporting country that shows the ivory was acquired before February 4, 1977.
- * Worked ivory acquired and/or possessed in the United States by *U.S. residents* for non-commercial purposes and legally exported with documentation from the Fish and Wildlife Service can be re-imported as accompanying personal effects or household goods. Contact the exporting country's CITES Management Authority for information on any export requirements.
- * Worked ivory can be imported for non-commercial purposes as accompanying personal effects or as part of the household goods of *non-U.S. residents* moving to the United States. This can be done provided the ivory was legally acquired in their country of usual residence and legally exported from their country. Contact the exporting country's CITES Management Authority as they may require you to obtain CITES export documents.

What Steps Do I Need to Follow to Import or Export Ivory? For information on import/export of ivory, including licenses, ports, clearance, and document validation, contact the Service's Division of Law Enforcement.

1. All persons engaging in business as an importer or exporter of wildlife must obtain an Import/Export License.
2. The shipment of ivory must enter and leave the United States through a port designated for wildlife shipments or a non-designated port if you have an Exception to Designated Port Permit. If a *bona fide* antique, it may be shipped through a Customs Service port designated for the import and export of antiques.
3. All shipments must be marked on the outside of the container with the names and addresses of the exporter and importer, as well as an accurate identification of the species and numbers of items in the container.
4. Notify the Service inspector at the intended port of import or export 48 hours prior to conducting the activity.
5. Provide the following documents to the Service inspector at the port: CITES permits or certificate; antique or pre-Act documentation, as appropriate; Wildlife Declaration Form (3-177); and copies of airway bill or bill of lading and invoice.



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What You Need to Know . . . About Asian Elephant Ivory

Why and How Are Asian Elephants Protected? Asian elephants (*Elephas maximus*) need our help to survive in the wild. They are protected by the Convention on International Trade in Endangered Species (CITES), a treaty which monitors and regulates wildlife trade to prevent over-exploitation. The species is listed in Appendix I and elephants or their parts and products, including ivory, may not be traded for primarily commercial purposes.

Additional safeguards are provided Asian elephants by their listing as endangered under the U.S. Endangered Species Act (Act). Under this law, you cannot sell or offer for sale in interstate or foreign commerce, import, export or take (which includes harass, harm, kill, etc.) any elephant or elephant product, such as ivory, unless you have meet requirements of the Act.

What Kind of Asian Elephant Ivory or Ivory Products Are Affected by These Laws? Any tusk, piece of tusk, ivory carving, or ivory pieces such as piano keys, jewelry, or bagpipe fittings.

What Do I Need to Know to Decide What I Can Do With Ivory Items?

- * what kind of ivory it is -- if you do not know, see below.
- * age of the ivory -- when the item was manufactured or the ivory was removed from the wild.
- * whether the item has been repaired or modified with any new ivory, and if so, when.
- * date the ivory was last bought, sold, or held in the course of a commercial activity.

What Can I Do If I Do Not Know the Age or Kind of Ivory it is?

Contact a specialist, such as an art historian, appraiser, or museum curator. If you know who manufactured the item, contact the manufacturer for information. If documentation of the kind of ivory or age is based on an expert's opinion, obtain an affidavit and include the expert's credentials.

Can I Sell, Import, or Export Antique Ivory?

Yes, the item can be sold if it is a *bona fide* antique and if the sale of ivory is allowed in your State of residence. Check with your State conservation agency. An ivory article can be imported or exported for commercial or non-commercial purposes if it is a *bona fide* antique and accompanied by:

- * documentation that shows the article is at least 100 years old and has not been repaired or modified with any new ivory since the effective date of the Act (December 28, 1973), and
- * a CITES Pre-Convention Certificate from the Management Authority of the exporting country.

What Is Pre-act Asian Elephant Ivory? Worked or raw ivory must meet the following criteria:

- * was acquired or removed from the wild prior to June 14, 1976, the listing date of the Asian elephant under the Act;
- * has not been held in the course of a commercial activity (i.e., bought, bartered, offered for sale, leased) since that time;
- * is accompanied by a pre-Act affidavit as outlined in the regulations at 50 CFR 17.4; and
- * is imported or exported for non-commercial purposes accompanied by a CITES Pre-Convention Certificate showing it

was acquired before July 1, 1975.

Can I Sell My Pre-act Ivory? Pre-Act ivory can be sold only to others residing in your State. However, once the ivory has entered commerce, it loses its pre-Act status.

Can My Shipment of Ivory Transit the United States? Yes, if the ivory is a *bona fide* antique or non-commercial pre-Act item, and accompanied by the appropriate Act and CITES documents.

When Are Permits Needed? If the ivory does not qualify as an antique or pre-Act, you may apply for a permit for scientific research or for enhancement of propagation or survival of the species in the wild for the following activities:

- * **Import and Export.** CITES import and export permits are required in addition to Act permits. CITES permits are issued when the export or purpose of the import will not be detrimental to species survival, specimens were legally acquired, and the import is not for primarily commercial purposes.
- * **Interstate and foreign commerce.** In addition Ivory may be advertised for sale **provided** the advertisement contains a statement that the item may not be sold until an endangered species permit under the Act has been obtained from the Service. The sale of ivory to another resident of your State is not restricted by the Act. Check with your State conservation agency to meet State requirements.

What Steps Do I Need to Follow to Import or Export Ivory? For information on import/export of ivory, including licenses, ports, clearance, and documentation validation, contact the appropriate regional office of the Service's Law Enforcement Division.

1. All persons engaging in business as an importer or exporter of wildlife must obtain an Import/Export License.
2. The shipment of ivory must enter and leave the United States through a port designated for wildlife shipments or a non-designated port if you have an Exception to Designated Port Permit. If a *bona fide* antique, it may be shipped through a Customs Service port designated for the import/export of antiques.
3. All shipments must be marked on the outside of the container with the names and addresses of the exporter and importer, as well as an accurate identification of the species and numbers of items in the container.
4. Notify the Service inspector at the intended port of import or export 48 hours prior to conducting the activity.
5. Provide the following documents to the Service inspector at the port: CITES permits or certificate; antique or pre-Act documentation, as appropriate; Wildlife Declaration Form (3-177); and copies of airway bill or bill of lading and invoice.



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PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to the standard License/Permit Form 3-200 that must be completed as an application for a U.S. Fish and Wildlife Service permit. Please read the General Permit Procedures (50 CFR 13) sent with this package.

- * Complete all appropriate blocks/lines. Print clearly or type in the information. *A complete application prevents delays!*
- * Sign the application *in ink* and send an *original* to the address on the top of the application. Faxed copies will not be accepted.
- * Applications will be processed in the order they are received.

Most of the application form is self-explanatory, but the following provides some further assistance for completing the form.

COMPLETE EITHER BLOCK A OR BLOCK B:

Block A. **"Complete if applying as an individual"** - Enter the complete name of the responsible party who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. All blocks must be completed. If you are applying on behalf of a client, the personal information must pertain to the client. A notarized document stating power of attorney must be included with the application.

Block B. **"Complete if applying as a business, corporation, public agency or institution"** - Enter the complete name and address of the business, agency or institution who will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in, the name and phone number of the person in charge, and if the company is incorporated, the state in which it was incorporated.

ALL APPLICANTS COMPLETE BLOCK C:

Block C.1 **"Do you currently have or have had any Federal Fish and Wildlife license or permits?"** - List the number of any FWS or CITES permits. If applying for a renewal, the original permit must be returned with this application.

Block C.2 **"Have you obtained any required state or foreign government approval to conduct the activity you propose?"** - If the proposed activity is regulated, check the appropriate box. If "yes", list the State or foreign countries involved and type of document required. Include a copy of these documents with the application. If "no" indicate what steps you have taken to secure approval (use attachment if necessary). If the proposed activity is not regulated check "not required".

Block C.3 **"Check or money order (if applicable)"** - There is a permit processing fee unless you are fee exempt. Consult the enclosed APPLICATION PROCESSING FEE SCHEDULE information. Make the check or money order payable to the **U.S. Fish and Wildlife Service** and attach it to the application form. If fee exempt, write "exempt" in this space.

Block C.4 **"Attachments"** - Consult the fact sheet or regulation. Provide any required additional information outlined on the supplemental page(s) of the application form. Be as complete and descriptive as possible. If there is any doubt as to the information's relevance, include it with the application. An incomplete or unclear application may cause delays in processing.

Block C.5 **"CERTIFICATION"** - The **individual applicant in Block A, the person named in Block B, or person with power of attorney must sign and date** the application in ink. This signature binds that person to the statement of certification. This means that you certify that you read and understood the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application before signing.

Application for a Federal Fish and Wildlife License/Permit

PRIVACY ACT - NOTICE

In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), please be advised that:

The gathering of information on fish and wildlife is authorized by: (a) Bald Eagle Protection Act (16 U.S.C. 663a); (b) Endangered Species Act of 1973 (16 U.S.C. 1539); (c) Migratory Bird Treaty Act (16 U.S.C. 703-711); (d) Marine Mammal Protection Act of 1972 (16 U.S.C. 1371-1383); (e) Wild Bird Conservation Act (16 U.S.C. 4901-4916); (f) Lacey Act (18 U.S.C. 42 & 44); and (g) Title 50, Part 13, of the Code of Federal Regulations.

Submission of requested information is required in order to process applications for licenses or permits authorized under the above acts. With the exception of your social security number, failure to provide all requested information will be sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.

Applications for license or permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371-1383) will be published in the **Federal Register** as required by the two acts.

In the event a violation of a statute, regulations, rule, order, or license, whether civil, criminal, or regulatory in nature is discovered during the application review process, the requested information may be transferred to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting such violations.

In the event of litigation involving the records or the subject matter of the records, the requested information may be transferred to the U.S. Department of Justice or appropriate law enforcement authorities.

Information provided in the application may be disclosed to subject matter experts, and State and other Federal agencies, for the sole purpose of obtaining advice relevant to issuance of the permit.

For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.

FREEDOM OF INFORMATION ACT - NOTICE

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].

APPLICATION PROCESSING FEE

The fee to process a permit application is \$25.00. Checks should be made payable to "U.S. Fish and Wildlife Service". The fee applies to permit applications, renewals, and amendments. The processing fees shall not be refunded if the permit is issued or denied, or if the application is abandoned.

The fee schedule does not apply to any Federal, State, or local government agency or individual or institution under contract to such agency for the proposed activities. Until further notice, the fee will be waived for public institutions. As defined in CFR 10.12 - "Public as used in referring to museums, zoological parks, and scientific or educational institutions, refers to such as are open to the general public and are either established, maintained, and operated as a governmental service or are privately owned and organized, but not operated for a profit."

APPLICATION PROCEDURES -- EXCERPTS FROM 50 CFR 13 -- GENERAL PERMIT PROCEDURES

Subpart A -- Introduction

§ 13.1 General.

Each person intending to engage in an activity for which a permit is required by this subchapter B shall, before commencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by this subchapter must make application for such permit in accordance with the requirements of this part 13 and the other regulations in this subchapter which set forth the additional requirements for the specific permits desired. If the activity for which permission is sought is covered by the requirements of more than one part of this subchapter, the requirements of each part must be met. If the information required for each specific permitted activity is included, one application will be accepted for all permits required, and a single permit will be issued.

§ 13.2 Purpose of regulations.

The regulations contained in this part provide uniform rules, conditions, and procedures for the application for and the issuance, denial, suspension, revocation, and general administration of all permits issued pursuant to this subchapter B.

§ 13.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of this subchapter and apply to all permits issued thereunder, including "Import and Marking" (part 14), ~~"Feather Imports"~~ ["Wild Bird Conservation"] (part 15), "Injurious Wildlife" (part 16), "Endangered Wildlife and Plants" (part 17), "Marine Mammals" (part 18), "Migratory Birds" (part 21), "Eagles" (part 22) and "Endangered Species Convention" (part 23). As used in this part 13, the term "permit" shall refer to either a license, permit, or certificate as the context may require.

§ 13.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of this subchapter B, and will not be unlawful.

Subpart B -- Application for Permits

§ 13.11 Application procedures.

The Service may not issue a permit for any activity authorized by this subchapter B unless the applicant has filed an application in accordance with the following procedures. Applicants do not have to submit a separate application for each permit unless otherwise required by this subchapter.

(a) *Forms.* Applications must be submitted in writing on a Federal Fish and Wildlife License/Permit Application (Form 3-200) or as otherwise specifically directed by the Service.

(b) *Forwarding instructions.* Applications for permits in the following categories should be forwarded to the issuing office indicated below.

(1) Migratory bird banding permits (50 CFR 21.22) -- Bird Banding Laboratory, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Laurel, Maryland 20708. (Special application forms must be used for bird banding permits. They may be obtained by writing to the Bird Banding Laboratory).

(2) Exception to designated port (50 CFR part 14), import/export license (50 CFR 14.93), migratory bird permit, other than banding (50 CFR part 21) and Bald or Golden eagle permits (50 CFR part 22) -- Assistant Regional Director for Law Enforcement of District in which the applicant resides (see 50 CFR 10.22 for addresses and boundaries of the Law Enforcement Districts).

(3) ~~Feather quota~~ [Wild bird conservation] (50 CFR part 15), injurious wildlife (50 CFR part 16), endangered and threatened species (50 CFR part 17), marine mammal (50 CFR part 18) and permits and certificates for the Convention on International Trade in Endangered Species (CITES) (50 CFR part 23) -- U.S. Fish and Wildlife Service, ~~Federal Wildlife Permit Office, P.O. Box 3654~~, [Office of Management Authority, 4401 N. Fairfax Drive, Room 700,] Arlington, Virginia 22203.

(c) *Time notice.* The Service will process all applications as quickly as possible. However, it cannot guarantee final action within the time limits the applicant requests. Applicants for endangered species and marine mammal permits should submit applications to the Office of Management Authority which are postmarked at least 90 calendar days prior to the requested effective date. Applicants for all other permits should submit applications to the issuing office which are postmarked at least 60 days prior to the requested effective date.

(d) *Fees.* (1) Unless otherwise exempted by this paragraph, applicants for issuance or renewal of permits must pay the required permit processing fee at the time of application. Applicants should pay fees by check or money order made payable to "U.S. Fish and Wildlife Service." The Service will not refund any application fee under any circumstances if the

Service has processed the application. However, the Service may return the application fee if the applicant withdraws the application before the Service has significantly processed it.

(2) Except as provided in paragraph (d)(4) of this section, the fee for processing any application is \$25.00. If regulations in this subchapter require more than one type of permit for an activity, and the permits are issued by the same office, the issuing office may issue one consolidated permit authorizing the activity. The issuing office may charge only the highest single fee for the activity permitted.

(3) A fee shall not be charged to any Federal, State or local government agency, nor to any individual or institution under contract to such agency for the proposed activities. The fee may be waived or reduced for public institutions (see 50 CFR 10.12). Proof of such status must accompany the application.

(4) *Nonstandard fees.*

Marine Mammal (Section 18.31)... 100

(e) *Abandoned or incomplete applications.* Upon receipt of an incomplete or improperly executed application, or if the applicant does not submit the proper fees, the issuing office will notify the applicant of the deficiency. If the applicant fails to supply the correct information to complete the application or to pay the required fees within 45 calendar days of the date of notification, the Service will consider the application abandoned. The Service will not refund any fees for an abandoned application.

§ 13.12 General information requirements on applications for permits.

(a) General information required for all applications. All applications must contain the following information:

(1) Applicant's full name, mailing address, telephone number(s), and,

(i) If the applicant is an individual, the date of birth, height, weight, hair color, eye color, sex, and any business or institutional affiliation of the applicant related to the requested permitted activity; or

(ii) If the applicant is a corporation, firm, partnership, association, institution, or public or private agency, the name and address of the president or principal officer and of the registered agent for the service of process;

(2) Location where the requested permitted activity is to occur or be conducted;

(3) Reference to the part(s) and section(s) of this subchapter B as listed in paragraph (b) of this section under which the application is made for a permit or permits, together with any additional justification, including supporting documentation as required by the referenced part(s) and section(s);

(4) If the requested permitted activity involves the import or re-export of wildlife or plants from or to any foreign country, and the country of origin, or the country of export or re-export restricts the taking, possession, transportation, exportation, or sale of wildlife or plants, documentation as indicated in § 14.52(c) of this subchapter B;

(5) Certification in the following language:

I hereby certify that I have read and am familiar with the regulations contained in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, Code of Federal Regulations, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001.

(6) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;

(7) Date;

(8) Signature of the applicant; and

(9) Such other information as the Director determines relevant to the processing of the application.

(b) *Additional information required on permit applications.* As stated in paragraph (a)(3) of this section certain additional information is required on all applications. These additional requirements may be found by referring to the section of this subchapter B cited after the type of permit for which application is being made:

<u>Type of permit</u>	<u>Section</u>
Feather import quota [Wild bird conservation]	15.22
Importation or entry ...	15.25
Injurious wildlife	
Importation or shipment ...	16.22
Endangered wildlife and plant permits:	
Similarity of appearance ...	17.52
Scientific, enhancement of propagation or survival, incidental taking for wildlife...	17.22
Scientific, propagation, or survival for plants ...	17.62
Economic hardship for wildlife ...	17.23
Economic hardship for plants ...	17.63
Threatened wildlife and plant permits:	
Similarity of appearance ...	17.52
General for wildlife ...	17.32
American alligator--buyer or tanner...	17.42(a)

General for plants	17.72
Marine mammals permits:	
Scientific research	18.31
Public display	18.31
Endangered Species Convention permits...	23.15

Subpart C -- Permit Administration

§ 13.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 13.4, is inserted into the official file of the Bureau. An oral or written representation of an employee or agent of the United States Government, or an action of such employee or agent, shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 10.12.

(b) Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless:

(1) The applicant has been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility.

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife or plant population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) *Disqualifying factors.* Any one of the following will disqualify a person from receiving permits issued under this Part.

(1) A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Director in response to a written petition.

(2) The revocation of a permit for reasons found in §13.28 (a)(1) or (a)(2) disqualifies any such person from receiving or exercising the privileges of a similar permit for a period of five years from the date of the final agency decision on such revocation.

(3) The failure to pay any required fees or assessed costs and penalties, whether or not reduced to judgement disqualifies such person from receiving or exercising the privileges of a permit as long as such moneys are owed to the United States. This requirement shall not apply to any civil penalty presently subject to administrative or judicial appeal; provided that the pendency of a collection action brought by the United States or its assignees shall not constitute an appeal within the meaning of this subsection.

(4) The failure to submit timely, accurate, or valid reports as required may disqualify such person from receiving or exercising the privileges of a permit as long as the deficiency exists.

(d) *Use of supplemental information.* The issuing officer, in making a determination under this subsection, may use any information available that is relevant to the issue. This may include any prior conviction, or entry of a plea of guilty or nolo contendere, or assessment of civil or criminal penalty for a violation of any Federal or State law or regulation governing the permitted activity. It may also include any prior permit revocations or suspensions, or any reports of State or local officials. The issuing officer shall consider all relevant facts or information available, and may make independent inquiry or investigation to verify information or substantiate qualifications asserted by the applicant.

(e) *Conditions of issuance and acceptance.* (1) Any permit automatically incorporates within its terms the conditions and requirements of Subpart D of this part and of any part(s) or section(s) specifically authorizing or governing the activity for which the permit is issued.

(2) Any person accepting and holding a permit under this Subchapter B acknowledges the necessity for close regulation and monitoring of the permitted activity by the Government. By accepting such permit, the permittee consents to and shall allow entry by agents or employees of the Service upon premises where the permitted activity is conducted at any reasonable hour. Service agents or employees may enter such premises to inspect the location; any books, records, or permits required to be kept by this Subchapter B; and any wildlife or plants kept under authority of the permit.

(f) *Term of permit.* Unless otherwise modified, a permit is valid during the period specified on the face of the permit. Such period shall include the effective date and the date of expiration.

(g) *Denial.* The issuing officer may deny a permit to any applicant who fails to meet the issuance criteria set forth in this section or in the part(s) or section(s) specifically governing the activity for which the permit is requested.

§ 13.22 Renewal of permits.

(a) *Application for renewal.* Applicants for renewal of a permit must submit a written application at least 30 days prior to the expiration date of the permit. Applicants must certify in the form required by § 13.12(a)(5) that all statements and

information in the original application remain current and correct, unless previously changed or corrected. If such information is no longer current or correct, the applicant must provide corrected information.

(b) *Renewal criteria.* The Service shall issue a renewal of a permit if the applicant meets the criteria for issuance in § 13.21(b) and is not disqualified under § 13.21(c).

(c) *Continuation of permitted activity.* Any person holding a valid, renewable permit, who has complied with this section, may continue the activities authorized by the expired permit until the Service has acted on such person's application for renewal.

(d) *Denial.* The issuing officer may deny renewal of a permit to any applicant who fails to meet the issuance criteria set forth in § 13.21 of this part, or in the part(s) or section(s) specifically governing the activity for which the renewal is requested.

§ 13.23 Amendment of permits.

(a) *Permittee's request.* Where circumstances have changed so that a permittee desires to have any condition of his permit modified, such permittee must submit a full written justification and supporting information in conformity with this part and the part under which the permit was issued.

(b) *Service reservation.* The Service reserves the right to amend any permit for just cause at any time during its term, upon written finding of necessity.

(c) *Change of name or address.* A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in the mailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change. This provision does not authorize any change in location of the conduct of the permitted activity when approval of the location is a qualifying condition of the permit.

§ 13.24 Right of succession by certain persons.

(b) In order to secure the right provided in this section the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

(CFR 10/1/97)

ANTIQUE AND PRE-ACT ARTICLES -- EXCERPTS FROM 50 CFR 14, 17 AND 18

§ 14.22 Certain antique articles.

Any person may import at any Customs Service port designated for such purpose, any article (other than scrimshaw, defined in 16 U.S.C 1539(f)(1)(B) and 50 CFR 217.12 as any art form that involves the etching or engraving of designs upon, or the carving of figures, patterns, or designs from, any bone or tooth of any marine mammal of the order Cetacea) that is at least 100 years old, is composed in whole or in part of any endangered or threatened species listed under § 17.11 or § 17.12 of this subchapter, and has not been repaired or modified with any part of any endangered or threatened species on or after December 28, 1973.

§ 17.4 Pre-Act wildlife.

(a) The prohibitions defined in subparts C and D of this part 17 shall not apply to any activity involving endangered or threatened wildlife which was held in captivity or in a controlled environment on December 28, 1973: *Provided*,

- (1) That the purposes of such holding were not contrary to the purposes of the Act; and
- (2) That the wildlife was not held in the course of a commercial activity.

Example 1. On January 25, 1974, a tourist buys a stuffed hawksbill turtle (an endangered species listed since June, 1970), in a foreign country. On December 28, 1973, the stuffed turtle had been on display for sale. The tourist imports the stuffed turtle into the United States on January 26, 1974. This is a violation of the Act since the stuffed turtle was held for commercial purposes on December 28, 1973.

Example 2. On December 27, 1973 (or earlier), a tourist buys a leopard skin coat (the leopard has been listed as endangered since March 1972) for his wife in a foreign country. On January 5, he imports it into the United States. He has not committed a violation since on December 28, 1973, he was the owner of the coat, for personal purposes, and the chain of commerce had ended with the sale on the 27th. Even if he did not finish paying for the coat for another year, as long as he had possession of it, and he was not going to resell it, but was using it for personal purposes, the Act does not apply to that coat.

Example 3. On or before December 28, 1973, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in March 1974. The importation is not subject to the Act. The hunter has not engaged in a commercial activity, even though he bought the services of a guide, outfitters, and a taxidermist to help him take, preserve, and import the leopard. This applies even if the trophy was in the possession of the taxidermist on December 28, 1973.

Example 4. On January 15, 1974, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in June 1974. This importation is a violation of the Act since the leopard was not in captivity or a controlled environment on December 28, 1973.

(b) Service officers or Customs officers may refuse to clear endangered or threatened wildlife for importation into or exportation from the United States, pursuant to § 14.53 of this subchapter, until the importer or exporter can demonstrate that the exemption referred to in this section applies. Exempt status may be established by any sufficient evidence, including an affidavit containing the following:

- (1) The affiant's name and address;
- (2) Identification of the affiant;
- (3) Identification of the endangered or threatened wildlife which is the subject of the affidavit;
- (4) A statement by the affiant that to the best of his knowledge and belief, the endangered or threatened wildlife which is the subject of the affidavit was in captivity or in a controlled environment on December 28, 1973, and was not being held for purposes contrary to the Act or in the course of a commercial activity;
- (5) A statement by the affiant in the following language:

The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to recognize an exempt status regarding (*insert description of wildlife*), under the Endangered Species Act of 1973 (16 U.S.C. 1531 - 1543), and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

- (6) As an attachment, records or other available evidence to show:
 - (i) That the wildlife in question was being held in captivity or in a controlled environment on December 28, 1973;
 - (ii) The purpose for which the wildlife was being held; and

(iii) The nature of such holding (to establish that no commercial activity was involved).

(c) This section applies only to wildlife born on or prior to December 28, 1973. It does not apply to the progeny of any such wildlife born after December 28, 1973.

§ 18.14 Marine mammals taken before the Act.

(a) Section 102(e) of the Act provides in effect that the Act shall not apply to any marine mammal taken prior to December 21, 1972, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date. Such status may be established by submitting to the Director prior to, or at the time of importation, an affidavit containing the following:

(1) The Affiant's name and address;

(2) Identification of the Affiant;

(3) A description of the marine mammals or marine mammal products which the Affiant desires to import;

(4) A statement by the Affiant that to the best of his knowledge and belief, the marine mammals involved in the application were taken prior to December 21, 1972;

(5) A statement by the Affiant in the following language:

The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to permit the importation of _____ under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(b) Either one of two exhibits shall be attached to such affidavit, and will contain either:

(1) Records or other available evidence showing that the product consists of or is composed in whole or in part of marine mammals taken prior to December 21, 1972. Such records or other evidentiary material must include information on how, when, where, and by whom the animals were taken, what processing has taken place since taking, and the date and location of such processing; or

(2) A statement from a government agency of the country of origin exercising jurisdiction over marine mammals that any and all such mammals from which the products sought to be imported were derived were taken prior to December 21, 1972.

(c) Service agents, or Customs officers, may refuse to clear marine mammals or marine mammal products for importation into the United States, pursuant to § 14.53 of this subchapter, until the importer can demonstrate, by production of the affidavit referred in above or otherwise, that section 102(e) of the Act applies to all affected items.

(d) This section has no application to any marine mammal or marine mammal product intended to be imported pursuant to § 18.21, § 18.31 or § 18.32 of this part.

EXCEPTIONS, PERMITS, AND CERTIFICATIONS -- EXCERPTS FROM 50 CFR 23 -- ENDANGERED SPECIES CONVENTION

Subpart A -- Introduction

§ 23.1 Purpose of regulations.

(a) The regulations in this part implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

(b) The regulations identify those species of wildlife and plants included in appendix I, II or III to the Convention.

§ 23.2 Scope of regulations.

(a) The regulations of this part apply only to wildlife and plants listed in appendix I, II or III to the Convention, listed herein in § 23.23 for the convenience of the public. It should be noted that many species listed in appendix I, II or III are also listed in part 17 (endangered and threatened species) or part 18 (marine mammals), and are subject to additional regulations in those parts or in part 216 (marine mammals) or parts 217-225 (endangered and threatened species) for species under jurisdiction of the National Marine Fisheries Service.

§ 23.3 Definitions.

In addition to the definitions contained in parts 10 and 17 of this subchapter, and unless the context requires otherwise, in this part:

Appendix I means the list of wildlife and plants called "Appendix I" and attached to the Convention (see § 23.23 for the list).

Appendix II means the list of wildlife and plants called "Appendix II" and attached to the Convention (see § 23.23 for the list).

Appendix III means the list of wildlife and plants called "Appendix III" and attached to the Convention (see § 23.23 for the list).

Convention means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

Management Authority means a national management authority officially designated by a party to implement the present Convention, including the granting of permits or certificates for Convention purposes on behalf of the party.

Party means a country for which the Convention has entered into force, by virtue of ratification or accession.

Re-export means export of wildlife or plants that have previously been imported.

United States means all of the several states, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

§ 23.4 Parties to the Convention.

[A list of the names and addresses of the management authorities for specific countries is available from the Office of Management Authority, U.S. Fish and Wildlife, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203, 1(800) 358-2104 upon request.]

Subpart B -- Prohibitions, Permits and Exceptions

§ 23.11 Prohibitions.

(a) Unless the requirements in this part 23 are met, or one of the exceptions in this part 23 is applicable, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit another to commit, or cause to be committed any of the acts described in paragraphs (b) through (d) of this section.

(b) *Import.* (1) It is unlawful to import into the United States any wildlife or plant listed in appendix I, II or III (see § 23.23) from any foreign country.

(2) It is unlawful to import directly into the United States any wildlife or plant listed in appendix I or II (see § 23.23) taken from the sea beyond the jurisdiction of any country.

(c) *Export.* It is unlawful to export from the United States any wildlife or plant listed in appendix I, II or III (see § 23.23).

(d) *Re-export.* It is unlawful to re-export from the United States any wildlife or plant listed in appendix I, II or III (see § 23.23).

(e) *Possession.* It is unlawful for any person subject to the jurisdiction of the United States to possess any wildlife or plant listed in appendix I, II or III imported into the United States, or exported or re-exported from the United States contrary to the provisions of the Convention or this part 23.

§ 23.12 Requirements.

(a) *Import -- (1) Appendix I.* (i) In order to import into the United States any wildlife or plant listed in Appendix I from any foreign country, a United States import permit, issued pursuant to § 23.15, and a valid foreign export permit issued by the country of origin or a valid foreign re-export certificate issued by the country of re-export must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in appendix I taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to § 23.15 must be obtained prior to such importation.

(2) *Appendix II.* (i) In order to import into the United States any wildlife or plant listed in appendix II from any foreign country, a valid foreign export permit issued by the country of origin, or a valid foreign re-export certificate issued by the country of re-export, must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in Appendix II taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to § 23.15, must be obtained prior to such importation.

(3) *Appendix III.* (i) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has listed such animal or plant in appendix III, a valid foreign export permit or re-export certificate issued by such country must be obtained prior to such importation. (ii) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has not listed such wildlife or plant in appendix III, a valid foreign certificate of origin or foreign re-export certificate must be obtained prior to such importation.

(b) *Export or re-export -- (1) Appendices I and II.* In order to export or re-export from the United States any wildlife or plant listed in appendix I or II, a United States export permit or re-export certificate, issued pursuant to § 23.15, must be obtained prior to such exportation or re-exportation.

(2) *Appendix III.* (i) In order to export or re-export from the United States any wildlife or plant listed in appendix III by the United States, a United States export permit or re-export certificate issued pursuant to § 23.15, must be obtained prior to such exportation or re-exportation.

(ii) In order to export or re-export from the United States any wildlife or plant listed in appendix III that has not been listed by the United States, a re-export certificate or certificate of origin, issued pursuant to § 23.15, must be obtained prior to such exportation or re-exportation.

§ 23.13 Exceptions.

(a) If any wildlife or plant listed in appendix I, II or III is also subject to the regulations in part 17 or part 18 of this subchapter, the prohibitions and exceptions in those parts and in part 23 shall apply. Exceptions in one part cannot be invoked to allow activities prohibited in another part.

(b) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plant listed in appendix I, II or III that are being transshipped through the United States provided such wildlife or plants remain in Customs custody.

(c) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of origin or the country of re-export to the effect that the wildlife or plant was acquired prior to the date the Convention applied to it. See § 23.15 for rules on the issuance of such certificates.

(d) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants that are accompanying personal baggage or part of a shipment of the household effects of persons moving their residences to or from the United States: *Provided*, That this exception shall not apply to:

(1) Importation by U.S. residents of wildlife or plants listed in appendix I that were acquired outside the United States; or

(2) Importation by U.S. residents of wildlife or plants listed in appendix II that were taken from the wild in a foreign country, if that country requires export permits.

(e) Wildlife or plants listed in appendix I that have been bred in captivity or artificially propagated, for commercial activities, shall be treated as if listed in appendix II.

(f) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of export to the effect that the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom. See § 23.15 for rules on the issuance of such certificates.

(g) The prohibitions in § 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material when they are imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions that have been registered by a management authority of their country, and when a label issued or approved by such management authority is clearly affixed to the package or container. See § 23.15 for rules on registration and issuance or approval of labels.

§ 23.14 Foreign documentation.

(a) *Party countries.* Only export permits, re-export certificates, certificates of origin, or other certificates issued and signed by a management authority will be accepted as a valid foreign document from a country that is a party to the Convention.

(b) *Countries that are not parties.* The requirements in this part 23 apply to all wildlife and plants listed in appendix I, II or III to the Convention, whether the shipment is to or from a country that is party to the Convention, or to or from any other country. In the case of a shipment from a country not party to the Convention, documents containing information corresponding to that

required by the regulations in this part 23 may be accepted. Such documents may be in the form of an export or import permit, a letter from the proper authority, or any other form that clearly indicates the nature of the document. Such documents must:

(1) Be issued by an official of the country responsible for authorizing the export of such wildlife or plants;

(2) Specify the species (or taxa to the rank listed in appendix I, II or III) and give the numbers of wildlife or plants covered by the document; and

(3) Contain the following statement or its equivalent:

I, _____, (Signing official), hereby certify that the shipment of wildlife or plants covered by this document is in accordance with the laws of _____ (Country), will not be detrimental to the survival of the species in the wild, and, if living, will be transported in a manner which will minimize the risk of injury, damage to health, or cruel treatment.

§ 23.15 Permits and Certificates.

(a) In order to import, export or re-export wildlife or plants listed in appendix I, II or III that are also listed as endangered or threatened and subject to regulations in part 17 of this subchapter, the requirements in both part 17 and part 23 must be met. A single application meeting the appropriate application requirements in part 17 will also meet the application requirements in part 23.

(b) In order to import wildlife listed in appendix I, II or III that are marine mammals subject to regulations in part 18 of this subchapter, the requirements in both part 18 and part 23 must be met. A single application meeting the application requirements in part 18 will also meet the application requirements in part 23.

(c) Application requirements for permits or certificates to import, export or re-export wildlife or plants listed in appendix I, II or III that are not subject to the regulations in part 17 or part 18 of this subchapter. Applications for permits or certificates under this section must be submitted to the Director by any person subject to the jurisdiction of the United States who wishes to engage in the activity. Each application must be submitted on an official application form (Form 3-200) provided by the Service, or must contain the general information and certification required by § 13.12(a) of this subchapter, and must include, as an attachment, as much of the following information as relates to the purpose for which the applicant is requesting a permit or certificate.

(1) The scientific and common names of the species (or taxa to the rank listed in appendix I, II or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living but is not in the wild, or (iii) is dead;

(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(4) In the case of living wildlife or plants, (i) a description of the type, size and construction of any container the wildlife or plant will be placed in during transportation; and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from whom the wildlife or plant is to be imported into the United States;

(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(7) In the case of wildlife or plants listed in appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address and a description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, involving any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(8) Copies of documents, sworn affidavits or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, other preserved, dried or embedded museum specimen or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions.

(d) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a), (b) or (c) of this section, the Director will decide whether or not a permit or certificate should be issued. In making his decision, the Director shall consider in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the proposed import, export or re-export would be detrimental to the survival of the species;

(2) Whether the wildlife or plant was acquired lawfully;

(3) Whether any living wildlife or plant to be exported or re-exported will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment;

(4) Whether any living wildlife or plant to be imported directly into the United States from the sea beyond the jurisdiction of

any country will be so handled as to minimize the risk of injury, damage to health or cruel treatment;

(5) Whether an import permit has been granted by a foreign country, in the case of proposed export or re-export from the United States of any wildlife or plant listed in Appendix I;

(6) Whether the proposed recipient of any living wildlife or plant listed in Appendix I to be imported into the United States is suitably equipped to house and care for such wildlife or plant;

(7) Whether any wildlife or plant listed in appendix I to be imported into the United States is to be used for primarily commercial activities; and

(8) Whether the evidence submitted is sufficient to justify an exception, in the case of (i) wildlife or plants that were acquired prior to the date the Convention applied to them; (ii) wildlife or plants that were bred in captivity or artificially propagated, or were part of or derived there from; or (iii) wildlife or plants that are herbarium specimens; other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a noncommercial loan, donation or exchange between scientists or scientific institutions.

(9) Whether in the case of wildlife or plants listed in Appendix II, they are the subject of a large volume of trade and are not necessarily threatened with extinction.

(e) Permit or certificate conditions. In addition to the general criteria set forth in part 13 of this subchapter, permits or certificates issued under this section shall be subject to the following special conditions:

(1) Any permit must be presented to a Service agent at a designated port of entry upon importation into the United States or prior to exportation or re-exportation from the United States:

(2) Where appropriate and feasible, the Service may require that an identifying mark be affixed upon any wildlife or plant;

(3) In the case of wildlife or plants that are herbarium specimens, other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. The letters "CITES" (acronym for the Convention), a description such as "herbarium specimens," and the code letters assigned by the Service to the scientist or scientific institution, must be entered on the Customs declaration form affixed to each package or container.

(f) Duration of permits or certificates. The duration of permits or certificates issued under this section shall be designated on the face of the permit or certificate, but in no case will export permits be valid for longer than six months.

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